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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re MARCUS B., a Person Coming  
Under the Juvenile Court Law.

SAN DIEGO COUNTY HEALTH AND  
HUMAN SERVICES AGENCY,

Plaintiff and Respondent,

v.

LYNETTE B.,

Defendant and Appellant.

D047591

(Super. Ct. No. J512363B)

APPEAL from a judgment of the Superior Court of San Diego County, Cynthia Bashant, Judge. Affirmed.

Lynette B. appeals following a post permanent plan review hearing in the dependency case of her son, Marcus B., whose permanent plan is another planned permanent living arrangement. Lynette contends that the juvenile court abused its discretion by denying her request to resume unsupervised visits. We affirm.

## BACKGROUND

In July 1998, when Marcus was seven years old, the San Diego County Health and Human Services Agency (the Agency) filed a dependency petition because Lynette used crack cocaine and drank to excess; Marcus's father, Marvin B., was unable to protect and supervise him; and neither parent could be found.

Marcus was detained at Polinsky Children's Center, then in a foster home, then with his maternal grandmother, where he was subsequently placed. After living with his maternal grandmother for more than two years, in February 2001 he was moved to the home of a maternal great aunt. In March 2002, he was moved to an emergency shelter care home. In May, he was moved to a long-term foster home.

Marvin, who was in the military, was stationed in Cuba from May 2000 until 2003 or 2004, when he moved to Florida. Marcus spent the summer of 2005 with Marvin in Florida, then returned to his foster home. In November 2005, the court ordered that Lynette's visits remain supervised, gave the Agency discretion to lift the supervision requirement, and gave it discretion to place 15-year-old Marcus with Marvin upon a positive evaluation under the Interstate Compact on the Placement of Children (Fam. Code, § 7900 et seq.). In ordering that visits remain supervised, the court cited Lynette's conduct during visits, her attempts to undermine the foster parent, and the concern that she might be under the influence.

## DISCUSSION

During the seven-year pendency of this case, Lynette's participation in substance abuse treatment and other services was erratic, as was her behavior and the frequency and

quality of her contact with Marcus. Visitation was sometimes supervised and sometimes not. Marcus sometimes welcomed contact and sometimes did not. After his visit with Marvin during the summer of 2005, Marcus said that he wanted to live with Marvin. At the November 2005 hearing, the social worker testified that before she would recommend unsupervised visits, she would need proof that Lynette was sober and a positive report from a therapist.

Under these circumstances, the court did not abuse its discretion by ordering that Lynette's visits remain supervised. (*In re Megan B.* (1991) 235 Cal.App.3d 942, 953.)

#### DISPOSITION

The judgment is affirmed.

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O'ROURKE, J.

WE CONCUR:

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BENKE, Acting P. J.

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AARON, J.